



338120

September 20, 1993

**RECEIVED**

SEP 22 1993

SUPERFUND PROGRAM  
MANAGEMENT BRANCH**VIA FEDERAL EXPRESS**

Ms. Marsha A. Adams  
U.S. EPA - Region V  
Responsible Party Search Section  
5HSM-5J  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

**Re: Vallet Paint Service Company  
Response to CERCLA Section 104(e) Request  
for Information for the Stickney Avenue Landfill  
and the Tyler Street Dump Sites in Toledo, Ohio**

Dear Ms. Adams:

Pursuant to correspondence from Thomas W. Mateer dated August 12, 1993 and received August 24, 1993, and without admission of any fault, violation, or liability, and with full reservation of any and all defenses and objections, Vallet Paint Service Company ("Vallet Paint") hereby submits its responses to U.S. EPA's CERCLA Section 104(e) Request for Information regarding the Stickney Avenue Landfill and the Tyler Street Dump Sites in Toledo, Ohio. Vallet Paint's responses are based on a thorough review of the minimal relevant records in its custody, control or possession, and on discussions with appropriate personnel and present and former Vallet Paint employees.

To the extent additional relevant information is discovered, Vallet Paint will provide it to your office promptly. Similarly, if U.S. EPA possesses information or records which suggest to the Agency that Vallet Paint may be a PRP under CERCLA with respect to the Stickney Avenue Landfill and the Tyler Street Dump Sites, please forward this information to me at your earliest convenience.

Very truly yours,

  
Richard B. Hartley

RBH:dd  
enc.

cc: Michael S. Katz, Esq.  
Shane A. Farolino, Esq.  
Sherri Estes, Esq. (via regular mail)

H:saf\0606913a.ltr

**VALLET PAINT SERVICE COMPANY'S RESPONSE TO U.S. EPA'S CERCLA  
SECTION 104(e) REQUEST FOR INFORMATION FOR THE STICKNEY AVENUE  
LANDFILL AND THE TYLER STREET DUMP SITES IN TOLEDO, OHIO**

Vallet Paint Service Company ("Vallet Paint") hereby responds to U.S. EPA's CERCLA Section 104(e) Information Request dated August 12, 1993, with regard to the Stickney Avenue Landfill and the Tyler Street Dump Sites in Toledo, Ohio (the "Site").

Before responding to the individual Information Requests, Vallet Paint hereby interposes a continuing objection to the Information Request dated August 12, 1993, and the "Instructions" included with the Information Request. To the extent the letter dated August 12, 1993 enclosing the Instructions and the Information Requests is deemed to contain instructions to Vallet Paint in responding to the Information Requests, Vallet Paint objects to this letter as well. Vallet Paint interposes this objection because the Information Requests, the Instructions and the August 12, 1993 letter exceed U.S. EPA's information gathering authority pursuant to 42 U.S.C. Section 9604(e).

In addition, Vallet Paint hereby reserves the right to raise objections to the August 12, 1993 Information Requests, including the Instructions and cover letter, in the future.

Subject to and without waiving this objection and reservation of rights, and without admission of any fault, violation, or liability, Vallet Paint responds as follows to the August 12, 1993 Information Request:

**INFORMATION REQUESTS**

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

**RESPONSE:** The following is a list of all such persons. Please be advised that all of the following are employees of Vallet Paint or are its legal counsel. In providing this information, Vallet Paint does not consent to unauthorized contact of its employees without reasonable prior notice to Vallet Paint. Further, Vallet Paint requests that this information be held as confidential.

Michael S. Katz, Esq.  
Spengler Nathanson  
608 Madison Avenue, Suite 1000  
Toledo, Ohio 43604-1169  
(419)241-2201

Counsel for Vallet Paint

Shane A. Farolino, Esq.  
Spengler Nathanson  
608 Madison Avenue, Suite 1000  
Toledo, Ohio 43604-1169  
(419)241-2201

Counsel for Vallet Paint

Richard B. Hartley  
c/o Vallet Paint Service Company  
1808 Adams Street  
Toledo, Ohio 43624  
(419)255-2822

President

The response to this Information Request, and all subsequent responses, were prepared by legal counsel for Vallet Paint with the assistance of Richard B. Hartley, the President of Vallet Paint. Importantly, the vast majority of the information contained in these responses was gathered by Mr. Hartley during the process of responding to earlier U.S. EPA Information Requests concerning the Dura Avenue Landfill Site in Toledo, Ohio. In preparing the responses to those Information Requests, Mr. Hartley interviewed current and former Vallet Paint employees concerning the company's waste generation and/or disposal history. A copy of Vallet Paint's previous Information Request responses is attached hereto for your review. Please be advised, however, that Vallet Paint also does not consent to unauthorized contact of its former employees without reasonable prior notice to Vallet Paint.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, there are no documents in existence dating from 1951 to 1981 upon which Vallet Paint could rely in the preparation of its responses to these Information Requests.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, there are no persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents. To the extent that Vallet Paint learns the identity of such persons in the future, Vallet Paint will supplement its responses to these Information Requests accordingly.

4. List the EPA Identification Numbers of the Respondent.

**RESPONSE:** Vallet Paint's current generator identification number is OHD 018 385 419. Vallet Paint has no other EPA Identification Numbers.

5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, Vallet Paint has no awareness of any acts or omissions that may have caused the release or threat of release of hazardous substances, pollutants, contaminants and damages resulting therefrom at the Site. To the extent that Vallet Paint obtains such information in the future, Vallet Paint will supplement its responses to these Information Requests accordingly.

6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site.

**RESPONSE:** See response to Information Request No. 5 above.

7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site. In addition, identify the following:

- a) The persons with whom you or such other persons made such arrangements;
- b) Every date on which such arrangements took place;
- c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
- d) The owner of the waste materials or hazardous substances so accepted or transported;
- e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- f) All tests, analyses, and analytical results concerning the waste materials;
- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;

- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction.
- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
- o) The price paid for (i) transport (ii) disposal or (iii) both of each waste material and hazardous substance.
- p) All documents containing information responsive to a - o above or in lieu of identification of all relevant documents, provide copies of all such documents.
- q) All persons with knowledge, information, or documents responsive to a - p above.

**RESPONSE:** See response to Information Request No. 5 above.

8. If your waste was not taken to the Stickney Avenue Landfill Site or the Tyler Street Dump Site during the period from 1951 to 1981, where were your wastes taken and how were they disposed?

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, its solid wastes were initially transported only to the Dura Avenue Landfill Site in Toledo, Ohio by Vallet Paint employees using a company pickup truck. Thereafter, sometime in the mid to late 1960s, Vallet Paint contracted with Oscar Bell Trucking for the hauling and disposal of its solid wastes. However, Vallet Paint does not

have any knowledge, information, or belief as to whether Oscar Bell Trucking hauled Vallet Paint's solid wastes to the Site. It is Vallet Paint's current understanding that Oscar Bell of Oscar Bell Trucking has been deceased for several years.

H:\saf\06069I3a.doc

**VALLET PAINT SERVICE COMPANY'S RESPONSE TO U.S. EPA'S REQUEST FOR  
INFORMATION PURSUANT TO SECTION 104(e) OF CERCLA**

**AFFIDAVIT OF RICHARD B. HARTLEY**

STATE OF OHIO     )  
                          ) ss:  
COUNTY OF LUCAS )

I, Richard B. Hartley, being first duly cautioned and sworn,  
state as follows:

1. I am the President of Vallet Paint Service Company  
located at 1808 Adams Street, Toledo, Lucas County, Ohio.

2. With respect to the handling of waste materials by Vallet  
Paint Service Company, including the transportation, treatment, and  
disposal thereof, between 1951 and 1981, a diligent record search  
has been completed, and a diligent interviewing process with  
present and former Vallet Paint Service Company employees who were  
located and who may have such knowledge has been conducted.

FURTHER AFFIANT SAYETH NAUGHT.

  
Richard B. Hartley

Sworn to before me and subscribed in my presence this 20th  
day of September, 1993.

  
Notary Public

H:\saf\0606913a.aff

DARLENE  
Notary Public, State of Ohio  
My Commission Expires 1-21-98

**VALLET PAINT SERVICE COMPANY'S RESPONSE TO U.S. EPA'S REQUEST FOR  
INFORMATION PURSUANT TO SECTION 104(e) OF CERCLA AND SECTION 3007  
OF RCRA**

Vallet Paint Service Company ("Vallet Paint") hereby responds to U.S. EPA's CERCLA Section 104(e) and RCRA Section 3007 Information Request dated February 4, 1993, with regard to the Dura Landfill Site, Toledo, Ohio (the "Site").

Before responding to the individual Information Requests, Vallet Paint hereby interposes a continuing objection to the Information Request dated February 4, 1993, and the "Instructions" included with the Information Request. To the extent the letter dated February 4, 1993 enclosing the Instructions and the Information Requests is deemed to contain instructions to Vallet Paint in responding to the Information Requests, Vallet Paint objects to this letter as well. Vallet Paint interposes this objection because the Information Requests, the Instructions and the February 4, 1993 letter exceed U.S. EPA's information gathering authority pursuant to 42 U.S.C. Section 9604(e) and 42 U.S.C. Section 6927.

In addition, Vallet Paint hereby reserves the right to raise objections to the February 4, 1993 Information Requests, including the Instructions and cover letter, in the future.

Subject to and without waiving this objection and reservation of rights, and without admission of any fault, violation, or liability, Vallet Paint responds as follows to the February 4, 1993 Information Request:

**REQUESTS**

1. Identify all persons consulted in the preparation of each and every answer to these Information Requests.

**RESPONSE:** The following is a list of all such persons. Please be advised that all of the following are employees or former employees of Vallet Paint or are its legal counsel. In providing this information, Vallet Paint does not consent to unauthorized contact of its employees or former employees without reasonable prior notice to Vallet Paint. Further, Vallet Paint requests that this information be held as confidential.

Michael S. Katz, Esq.  
Spengler Nathanson  
608 Madison Avenue, Suite 1000  
Toledo, Ohio 43604-1169  
(419) 241-2201

Counsel for Vallet  
Paint



Shane A. Farolino, Esq.  
Spengler Nathanson  
608 Madison Avenue, Suite 1000  
Toledo, Ohio 43604-1169  
(419) 241-2201

Counsel for Vallet  
Paint

Richard B. Hartley  
c/o Vallet Paint Service Company  
1808 Adams Street  
Toledo, Ohio 43624  
(419) 255-2822

President

John W. King  
c/o Vallet Paint Service Company  
1808 Adams Street  
Toledo, Ohio 43624  
(419) 255-2822

Driver/Paint Mixer/  
Salesman

Gene Bogucki  
4833 Walker Avenue  
Toledo, Ohio  
(419) 476-0302

Warehouse Manager/  
Counter person

Charles Gillete  
2423 Portsmouth  
Toledo, Ohio 43613  
(419) 475-2079

Paint Mixer/Counter  
Person

Robert Cairns  
357 Alva  
Toledo, Ohio  
(419) 476-6737

Driver/Paint Mixer/  
Warehouseman

Bernard Kramer  
4604 Copeland  
Toledo, Ohio 43614  
(419) 385-5486

Warehouseman/Counter  
Person/Paint Mixer

Ed Sommers  
c/o City of Toledo-Division of Police  
525 N. Erie  
Toledo, Ohio  
(419) 245-3111

Driver/Paint Mixer/  
Warehouseman

Jim Walbolt  
8545 Salisbury Road  
Maumee, Ohio  
(419) 865-4073

Driver/Paint Mixer/  
Warehouseman/Counter  
Person

Steve Skeels  
c/o City of Toledo-Divison of Police  
2301 Nebraska  
Toledo, Ohio 43607  
(419) 531-4411

Driver/Paint Mixer/  
Counter Person

Jim Routson  
c/o Oregon City Schools  
5665 Seaman Road  
Oregon, Ohio  
(419) 693-0665

Counter Person/Paint  
Mixer

Don Poppe  
c/o Tempglass, Inc.  
291 M Street (Ampoint Industrial Park)  
Perrysburg, Ohio  
(419) 666-2000

Driver

John Sheets  
1717 Eaton  
Toledo, Ohio  
(419) 381-9842

Driver/Counter Person

Larry Sherwin  
3260 Schneider Road, Apt. 118  
Toledo, Ohio  
(419) 389-1697

Counter Person/Driver/  
Paint Mixer

Raymond Clegg  
1436 Eleanor  
Toledo, Ohio  
(419) 478-8671

Warehouseman/Paint  
Mixer

Clinton Ladd  
880 Atlantic  
Toledo, Ohio 43609  
(419) 382-4089

Paint Mixer

Phil Plenzler  
6222 Bahiamir  
Toledo, Ohio 43611  
(419) 726-2701

Driver/Counter Person/  
Warehouseman

The response to this Information Request, and all subsequent responses, were prepared by legal counsel for Vallet Paint with the assistance of Richard B. Hartley, the President of Vallet Paint and the individual who conducted the interviews of the current and former Vallet Paint employees listed above.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, there are no documents in existence dating from 1950 to 1980 upon which Vallet Paint could rely in the preparation of its responses to these Information Requests. However, an August 28, 1990 affidavit of an unknown, alleged former Vallet Paint employee was consulted, examined, or referred to in connection with the interviewing of current and former Vallet Paint employees that was done in order to respond to the instant Information Requests. The affidavit, with the signature of the affiant redacted, was obtained from counsel for the City of Toledo during the initial stages of discovery in the cost recovery action which has been filed by the City of Toledo in the United States District Court for the Northern District of Ohio. A copy of the affidavit is attached as Exhibit A hereto.

3. If Respondent has reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, there are no persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents. To the extent that Vallet Paint learns the identity of such persons in the future, Vallet Paint will supplement its responses to these Information Requests accordingly.

4. List the EPA Identification Numbers of the Respondent if applicable.

**RESPONSE:** Vallet Paint's current generator identification number is OHD 018 385 419. Vallet Paint has no other EPA Identification Numbers.

5. Identify all end-products (including trade names if appropriate) produced, formulated, processed, manufactured, or otherwise created by each of Respondent's companies, subsidiaries, parent corporations, predecessors, successors, and/or other business entities that generated, used, transported, treated, stored, disposed or otherwise handled hazardous substances, pollutants or contaminants, or solid wastes that may have went to the Site between 1950 and 1980. In addition, identify the following:

- a. the chemical content, characteristics and physical state (e.g., solid, liquid) of each end-product;

- b. the dates during which each end-product was produced, formulated, processed, manufactured, or otherwise created by Respondent;
- c. the quantities produced of each end-product;
- d. the manufacturing process (es) that generated each end-product. If any such manufacturing or other process has changed or been modified or altered during the period 1950 to 1980, indicate the date and manner of such change, alteration or modification;
- e. the wastes or waste byproducts created during or as a result of each of the manufacturing processes listed in the answer to subpart d) above.

**RESPONSE:** Vallet Paint is now, and has always been, engaged in the wholesale sale of both maintenance (house and commercial) and automobile paints and associated products. Historically, the majority of Vallet Paint's business has consisted of the distribution of paints, thinners and reducers which are sold in the unopened cans in which they are purchased. The remainder of Vallet Paint's business involves the sale of paints which are mixed or blended in Vallet Paint's stores.

Vallet Paint mixes/blends paints whenever a customer requests a color or shade of paint which is not typically stocked by Vallet Paint. In such situations, different color paint bases are mixed or blended together in order to achieve the desired shade or color. Paint thinners or reducers are not utilized in the mixing or blending process in any way.

To the best of Vallet Paint's knowledge, information, and belief, the only wastes which result from the mixing or blending process consist of empty paint cans which contain minor amounts of paint residue, small amounts of paint residue which is scraped off of paint stir sticks, and possibly some rags which are used to wipe up any minor spillage which might result from the mixing process. Historically, any and all paint mismixes were either sold for a reduced amount or donated to area vocational schools for use in their instructional and/or training programs. Today, mismixes are sold at a reduced value.

See response to Information Request No. 10, infra.

- 6. Identify all hazardous substances, pollutants or contaminants and/or solid wastes purchased, produced, formulated, processed, used, or otherwise handled by each of Respondent's companies, subsidiaries, parent corporations, predecessors, successors, and/or other business entities that generated, used, transported, treated,

stored, disposed or otherwise handled hazardous substances, pollutants or contaminants, or solid wastes that may have went to the Site between 1950 and 1980. In addition, identify the following:

- a. the chemical composition, characteristics and physical state (e.g., solid, liquid) of each hazardous substance, pollutant or contaminant, or solid waste;
- b. the dates during which each hazardous substance, pollutant or contaminant, or solid waste was purchased, produced, formulated, processed, used, or otherwise handled by Respondent;
- c. the quantities of each hazardous substance, pollutant or contaminant, or solid waste;
- d. how such hazardous substances, pollutants or contaminants, or solid wastes were acquired by Respondent;
- e. the manufacturing process that generated and/or used each hazardous substance, pollutant or contaminant, or solid wastes. If any such manufacturing or other process has changed or been modified or altered during the period 1950 to 1980, indicate the date and manner of such change, alteration or modification;
- f. the wastes or waste byproducts created in association with the use of such hazardous substance, pollutant or contaminant;
- g. the storage and disposal procedures and/or methods used for such hazardous substance, pollutant or contaminant, or waste or waste byproduct identified above.

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, hazardous substances, pollutants or contaminants and/or solid wastes have never been purchased, produced, formulated, processed, or used by Vallet Paint. As stated in response to the preceding Information Request, the only materials purchased, produced, formulated, processed, or used by Vallet Paint consist of maintenance (house and commercial) and automobile paints, thinners, reducers and associated items. All such materials are either products which are purchased by Vallet Paint and sold in the unopened containers in which they came, or, in the case of Vallet Paint's mixing or blending operations, different color paint bases which are mixed or blended in order to achieve a certain desired shade or color.

7. Identify the acts or omissions of any person, other than Respondent's employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants at the Site, and damages resulting therefrom.

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, the only acts or omissions of any other person that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants at the Site were disclosed to Vallet Paint by Robert Cairns, one of the former Vallet Paint employees that was interviewed in connection with preparation of Vallet Paint's responses to these Information Requests. The interview with Mr. Cairns revealed that he was once employed by Textileather in Toledo, Ohio. Mr. Cairns stated that during his employment with Textileather, he used to dump two or three loads of raw chemicals per day in the Southeast Chemical Disposal Area ("SECD") at the site. Mr. Cairns stated further that the chemicals were the waste which resulted from the production of vinyl by Textileather.

Mr. Cairns was employed by Vallet Paint as a driver and a paint mixer from 1954 to 1956. His duties included, among other things, the hauling of waste, consisting of empty paint cans, cardboard boxes and paper, to the Site. Notably, Mr. Cairns stated that none of Vallet Paint's waste was ever disposed of in the SECD, nor were paints or thinners ever disposed of anywhere at the Site by Vallet Paint.

8. Identify all persons or businesses who are or may be responsible for the liabilities of the Respondent arising from or relating to the release or threatened release of hazardous substances or materials or solid wastes at the Site, including but not limited to successors and individuals.

**RESPONSE:** First of all, Vallet Paint denies that it is in any way liable for the release or threatened release of hazardous substances or materials or solid wastes at the Site. If, however, Vallet Paint were to incur such liabilities, to the best of Vallet Paint's knowledge, information, and belief, the entity which may be responsible for any liabilities of Vallet Paint would be the Vallet Paint corporate entity itself. Vallet Paint is unaware of any successors and/or individuals which might be responsible for any such liability.

9. Identify all persons, including Respondent's employees, having knowledge or information about the generation, use, transportation, treatment, storage, disposal or other handling of materials, hazardous substances, pollutants or contaminants, or solid wastes at or to the Site by you, your contractors, or by prior owners and/operators.

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, all persons with knowledge or information about the generation, use, transportation, treatment, storage, disposal or other handling of materials, hazardous substances, pollutants or contaminants, or solid wastes at or to the Site by Vallet Paint have been identified in response to Information Request No. 1 above. The only other individual who may have possessed such knowledge or information was Oscar Bell, the owner and operator of the trucking company that, for a portion of the time between 1950 and 1980, was responsible for the hauling of Vallet Paint's solid wastes for disposal. However, to the best of Vallet Paint's knowledge, information, and belief, Oscar Bell passed away several years ago.

10. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials, or solid wastes at or to the Site? If the answer to the preceding question is anything but an unqualified "no", identify:

a. the hazardous substance, material, or solid waste;

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, it never used, purchased, stored, treated, disposed of, transported or otherwise handled any hazardous substances or materials at or to the Site. As far as Vallet Paint has been able to determine, the only materials which it disposed of at the Site were the solid wastes generated as a result of its normal day-to-day business operations.

As stated previously in response to Information Request No. 5, the interviewing that was conducted in order to respond to these Information Requests indicated that Vallet Paint's solid wastes consisted of cardboard boxes (which were broken down after their contents were removed and put on the shelf for sale), paper products, empty cans (from mixing or blending operations) which contained minor amounts of paint residue, small amounts of paint residue which was scraped off of paint stir sticks, and, possibly, some rags which were used to wipe up minor amounts of paint spillage which resulted from the mixing or blending process. To the best of Vallet Paint's knowledge, information, and belief, it never disposed of paint, thinners, reducers, or any other liquid or chemical wastes at or to the Site, nor does Vallet Paint believe that it disposed of 55 gallon drums, whether empty or full, at or to the Site. As far as Vallet Paint has been able to determine, empty 55 gallon drums which were accumulated and/or collected from its customers were sold to various drum refinishers in the City of Toledo, possibly Toledo Drum or Benedix Steel Drum. Furthermore, to the best of Vallet Paint's knowledge, information, and belief, paint mismixes

were either sold at a reduce value or donated to various vocational schools in the area for use in their instructional and/or training programs.

Vallet Paint would point out, however, that it utilized the affidavit referenced in response to Information Request No. 2 above in the interviewing process that was conducted in order to respond to these Information Requests. The affidavit is, to the best of Vallet Paint's knowledge, information, and belief, the only piece of evidence which allegedly links Vallet Paint to the disposal of hazardous substances at or to the Site. The affidavit was supposedly taken by City of Toledo investigators in connection with the City's cost recovery action which has been filed in the United States District Court for the Northern District of Ohio. The City of Toledo investigators have led Vallet Paint to believe that the affiant is a Mr. Larry Sherwin, one of Vallet Paint's former employees.

Vallet Paint interviewed Mr. Sherwin both in 1990, when it was made aware of the existence of the above-referenced affidavit, and recently, in order to prepare its responses to these Information Requests. Notably, when Mr. Sherwin was contacted in 1990, he stated that although he was not the source of the affidavit, he did not disagree with its contents. When contacted recently, however, he stated that he did give a statement to the City of Toledo, but that the affidavit at issue herein did not appear to be his statement. Mr. Sherwin then stated that according to his recollection, he did take a number of 5 gallon paint cans with residue in them to the Site, as well as a few 55 gallon and 16 gallon drums from Matlack Industries which contained waste.

Nevertheless, every other current and former employee interviewed by Vallet Paint indicated that the statements contained in the affidavit at issue herein are inaccurate, incorrect, and untrue. In addition, every current and former employee interviewed disagrees with the statements made by Mr. Sherwin. Therefore, to the best of Vallet Paint's knowledge, information, and belief, Vallet Paint denies that the statements contained in the affidavit at issue herein, and those made by Mr. Sherwin, are true, accurate, and correct, and does not admit that such disposal activities ever occurred.

- b. the chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance, material, or solid waste;

**RESPONSE:** See response to subpart a. above.



- c. who supplied you with such hazardous substance, material or solid waste;

**RESPONSE:** See response to subpart a. above.

- d. how such hazardous substance, material or solid waste was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;

**RESPONSE:** See response to subpart a. above. In addition, Vallet Paint would state that its solid wastes were initially transported to the Site by Vallet Paint employees using a company pickup truck. Thereafter, sometime in the late 1960s, Vallet Paint contracted with Oscar Bell Trucking for the hauling and disposal of its solid wastes. However, Vallet Paint does not have any knowledge, information, or belief as to whether Oscar Bell Trucking hauled Vallet Paint's solid wastes to the Site. As mentioned previously, Oscar Bell is deceased.

- e. when such hazardous substance, material or solid waste was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;

**RESPONSE:** See response to subpart d. above.

- f. where such hazardous substance, material or solid waste was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and

**RESPONSE:** See response to subpart d. above. In addition, Vallet Paint would state that the interviews conducted of its current and former employees indicated that during the period of time when Vallet Paint hauled its own solid wastes to the Site, it was always directed, by the City of Toledo employees running the Site, where at the Site the solid wastes were to be dumped. Notably, each and every current and former employee with knowledge of where at the Site Vallet Paint's solid wastes were dumped, including Larry Sherwin, stated that Vallet Paint's solid wastes were dumped in the general solid waste portion of the Site. Said employees stated further that they always dumped in the vicinity of a bulldozer which would constantly cover the solid wastes as soon as they were dumped. Lastly, said employees also stated that Vallet Paint's solid wastes were always dumped in the same section of the Site that was used for general garbage disposal by the City of Toledo itself.

Significantly, no current or former employee of Vallet Paint, including Larry Sherwin, indicated that Vallet Paint's solid wastes were ever dumped in the SECDA at the Site. In fact, any and all current or former employees with knowledge of the

SECDA stated expressly that Vallet Paint's solid wastes were never disposed of in the SECDA. See also the response to Information Request No. 7 above.

- g. the quantity of such hazardous substance, material or solid waste was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, Vallet Paint's employees hauled its solid wastes to the Site on a weekly basis, usually on Saturdays. As far as Vallet Paint has been able to determine, the weekly quantity of such solid wastes was approximately two or three large cardboard boxes full of the solid wastes identified in response to Information Request No. 10a. above.

11. Identify all persons, including, but not limited to the Respondent, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of Respondent's hazardous substances, materials, or solid wastes at or to the Site. In addition, identify the following:

- a. the hazardous substance or material or solid waste;
- b. the chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance or material or solid waste;
- c. the process for which each hazardous substance or material or solid waste was used or the process which generated the hazardous substance or material or solid waste;
- d. the person(s) with whom Respondent or such other persons made arrangements for disposal or treatment or transportation for disposal or treatment of hazardous substances or materials or solid wastes.
- e. the nature and extent of each arrangement that existed between Respondent and each such person;
- f. the time period during which each arrangement existed between Respondent and each such person;
- g. where such hazardous substance or material or solid waste was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- h. the date of every transaction on which each hazardous substance or material or solid waste was so transported to or accepted for transport at or to the Site;

- i. the quantity (weight or volume) of such hazardous substance or material or solid waste involved in each transaction and the total quantity for all transactions;
- j. all tests, analyses, and analytical results concerning the hazardous substances, materials or solid waste;
- k. the amount paid in connection with each transaction, the method of payment, and the identity of the person making the payment;
- l. the person(s) who selected the Site as the place where the hazardous substances, materials or solid would be disposed;
- m. where the person identified in subpart 1) above, intended to have such hazardous substances, materials or solid waste transported and all evidence of this intent;
- n. whether the hazardous substances, materials or hazardous waste involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- o. what was actually done to the hazardous substances, materials or solid wastes once they were brought to the Site;
- p. the final disposition of each of the hazardous substances, materials or solid waste involved in such transactions;
- q. the measures taken by Respondent to determine the actual methods, means, and site of treatment or disposal of the hazardous substances, materials or solid waste involved in each transaction;
- r. the type and number of containers in which the hazardous substances, materials or solid waste were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
- s. the price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of hazardous substance or material or solid waste brought to the Site.

**RESPONSE:** As stated in response to Information Request Nos. 9 and 10d. above, the only persons who may have arranged for disposal or arranged for transportation for disposal of Vallet Paint's solid wastes at or to the Site are the Vallet Paint

employees listed in response to Information Request No. 1 above and Oscar Bell of Oscar Bell Trucking. As stated previously, Oscar Bell is deceased. See responses to Information Request Nos. 9 and 10 above.

To the best of Vallet Paint's knowledge, information, and belief, Vallet Paint has no documents or other knowledge or information pertaining to the specifics of the disposal of its solid wastes at or to the Site and/or the specific nature of any of its solid wastes disposed of at or to the Site.

12. Produce all documents relating to the transportation, delivery, treatment, storage, disposal, or handling of materials, hazardous substances, pollutants or contaminants, or solid waste at or to the Site, including but not limited to the following:

- a. manifests, shipping records, logs or other records regarding the transportation, delivery, shipment, disposal or handling of hazardous substances, materials or solid wastes to at the Site;
- b. all invoices, evidence of payment, and other records relating to billing for the transportation, delivery, shipment, disposal or handling of hazardous substances, materials or solid waste to or at the Site.

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, Vallet Paint has no documents responsive to this Information Request.

13. Identify all liability insurance policies held by Respondent from 1950 to 1980. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden or both types of accidents. In lieu of providing this information, Respondent may submit complete copies of all relevant insurance policies.

**RESPONSE:** To the best of Vallet Paint's knowledge, information, and belief, any liability insurance policies held by Vallet Paint between 1950 and 1980 were issued by Roemer Insurance Incorporated, 3912 Sunforest Court, Toledo, Ohio. However, Vallet Paint has no copies of any such policies, nor does it have any knowledge or information concerning the content of such policies including, but not limited to, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden or both types of accidents.

14. Provide copies of all income tax returns sent to the Federal Internal Revenue Service in the last five years.

**RESPONSE:** The documents responsive to this Information Request are contained in Exhibit B hereto. Vallet Paint requests that all documents included in Exhibit B be treated as confidential business records pursuant to 40 C.F.R. Part 2. Vallet Paint has taken and intends to continue taking reasonable measures to protect the confidentiality of the records, including restricting access to the records, and maintaining that the records are not obtainable without Vallet Paint's consent.

Please note, however, that Vallet Paint's tax returns for 1992 have not yet been prepared. Therefore, Vallet Paint will supplement its response to this Information Request with copies of its 1992 tax returns as soon as they are available.

15. If Respondent is a Corporation, respond to the following requests:

- a. provide a copy of the Articles of Incorporation and By-Laws of the Respondent.
- b. provide Respondent's financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service.
- c. identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.

**RESPONSE:** The documents responsive to subpart a. above are contained in Exhibit C hereto. Please note, however, that the information requested in subparts b. and c. is contained in Schedule L of the tax returns produced in response to Information Request No. 14 above.

16. If Respondent is a Partnership, provide copies of the Partnership Agreement.

**RESPONSE:** Not applicable.

17. If Respondent is a Trust, provide all relevant agreements and documents to support this claim.

**RESPONSE:** Not applicable.

VALLET PAINT SERVICE COMPANY'S RESPONSE TO U.S. EPA'S REQUEST FOR  
INFORMATION PURSUANT TO SECTION 104(e) OF CERCLA AND SECTION 3007  
OF RCRA

AFFIDAVIT OF RICHARD B. HARTLEY

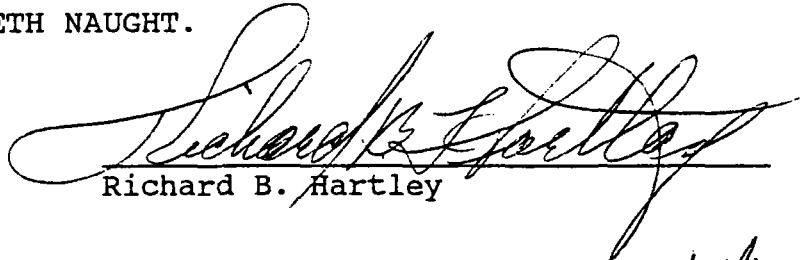
STATE OF OHIO     )  
                              )ss:  
COUNTY OF LUCAS )

I, Richard B. Hartley, being first duly cautioned and sworn,  
state as follows:

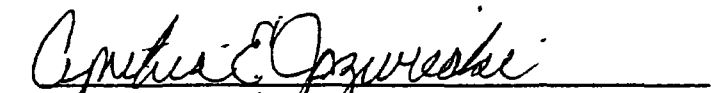
1. I am the President of Vallet Paint Service Company  
located at 1808 Adams Street, Toledo, Lucas County, Ohio.

2. With respect to the handling of waste materials by Vallet  
Paint Service Company, including the transportation, treatment, and  
disposal thereof, between 1950 and 1980, a diligent record search  
has been completed, and a diligent interviewing process with  
present and former Vallet Paint Service Company employees who were  
located and who may have such knowledge has been conducted.

FURTHER AFFIANT SAYETH NAUGHT.

  
Richard B. Hartley

Sworn to before me and subscribed in my presence this 10th  
day of April, 1993.

  
Notary Public, E. GAJEWICKI  
Notary Public, State of Ohio  
My Commission Expires June 29, 1994

April 1, 1993

VIA FEDERAL EXPRESS

Ms. Linda Beasley  
U.S. EPA - Region V  
Emergency Support Section  
HSE-5J  
77 West Jackson Blvd.  
Chicago, IL 60604

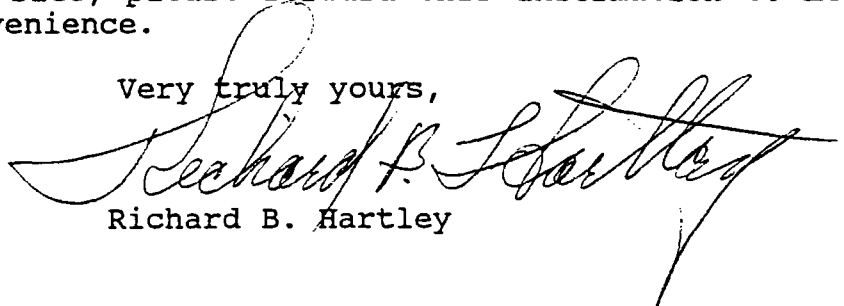
Re: Vallet Paint Service Company  
Dura Landfill Site, Toledo, Ohio  
Response to CERCLA Section 104(e) and RCRA Section  
3007 Information Request

Dear Ms. Beasley:

Pursuant to correspondence from T. Leverett Nelson dated February 4, 1993, and without admission of any fault, violation, or liability, and with full reservation of any and all defenses and objections, Vallet Paint Service Company ("Vallet Paint") hereby submits its responses to U.S. EPA's CERCLA Section 104(e) and RCRA Section 3007 Information Request regarding the Dura Landfill Site in Toledo, Ohio. As you are aware, Vallet Paint was originally granted an extension of time in which to respond to this Request until March 25, 1993, which extension was recently lengthened until April 5, 1993. Vallet Paint's responses are based on a thorough review of the minimal relevant records in its custody, control or possession, and on discussions with appropriate personnel and present and former Vallet Paint employees.

To the extent additional relevant information is discovered, Vallet Paint will provide it to your office promptly. Similarly, if U.S. EPA possesses information or records which suggest to the Agency that Vallet Paint may be a PRP under CERCLA with respect to the Dura Landfill Site, please forward this information to me at your earliest convenience.

Very truly yours,



Richard B. Hartley

RBH:dd  
enc.

cc: Michael S. Katz, Esq.  
Shane A. Farolino, Esq.  
Cynthia Kawakami, Esq. (via regular mail)

H:saf06069C3A.ltr

**EXHIBIT A**



- STATEMENT OF

1. I worked for the Valet Paint Company, located on Adams Street between the years of 1963 to 1965 and again between the years of 1968 to 1970.

2. Part of my duties was to make regular runs to the Dura Landfill and to dump chemical waste. I went to the Dura Landfill 2 times per week and took 2 or 3 55 gallon drums each time. The drums contained petro chemicals, naphtha, enamels and lacquer paints. The drums were not always full. Sometimes they contained a residue of 1 to 3 gallons.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8-28-90

# Exhibit B

Income Tax Forms in CBI

**EXHIBIT C**

\*\*\*\*\*  
\*\*\*\*\*

RECORD OF PROCEEDINGS

-- of --

INCORPORATORS, SHAREHOLDERS & DIRECTORS

-- of --

VALLET PAINT SERVICE CO.

\*\*\*\*\*  
\*\*\*\*\*

Incorporated under the General Corpo-  
ration Act of the State of Ohio.

\*\*\*\*\*  
\*\*\*\*\*

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

BE IT REMEMBERED that on the 19th day of December, 1950, Joseph A. Yager, Joseph D. Stecher and Helen Corkins, all of whom are citizens of the United States, the persons hereinafter named as subscribers to the Articles of Incorporation, desiring for themselves, their associates, successors and assigns, to become a body corporate, under the laws of the State of Ohio, under the name of

VALLET PAINT SERVICE CO.

did subscribe and acknowledge, according to law, certain Articles of Incorporation, as follows, to-wit:-

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

ARTICLES OF INCORPORATION

\*\*\*\*\*

Filed 12/21/50  
#221038.  
Vol. 605 page 25.

The undersigned, a majority of whom are citizens of the United States, desiring to form a corporation, for profit, under the General Corporation Act of Ohio, do hereby certify:

- First: The name of said corporation shall be VALLET PAINT SERVICE CO.
- Second: The place in Ohio where its principal office is to be located is City of Toledo, Lucas County.
- Third: The purpose or purposes for which it is formed are -
- (a) To conduct a general sales agency and to manufacture, buy, sell, and otherwise deal in paints, varnishes, lacquers, brushes, compressors, tools, spraying equipment, machinery, appliances and parts, accessories, supplies and other merchandise and products of every kind and description;
  - (b) To acquire, buy, purchase, lease, exchange, or otherwise own, use, manage, develop, improve and mortgage real estate, or any interest or right therein, and to own, erect, construct, rebuild, repair and manage and control improvements on part or all of said real estate, or any part thereof, and to do any and all things necessary or incident thereto;

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

ARTICLES OF INCORPORATION - CONTINUED.

\*\*\*\*\*

(c) To do any and every thing necessary, suitable, convenient or proper for the accomplishment of any one or all of the objects and purposes heretofore enumerated, which shall at any time appear to be conducive to or expedient for the interest or benefit of the corporation and its shareholders.

The foregoing clauses shall be construed both as purposes and powers and it is expressly provided that the enumeration herein of specific powers and purposes shall not be held to limit or restrict in any manner the general powers of said corporation.

Fourth: The number of shares which the corporation is authorized to have outstanding is two hundred and fifty (250), all of which shall be without par value.

Fifth: The amount of capital with which the corporation will begin business is Five Hundred Dollars (\$500.00).

IN WITNESS WHEREOF, we have hereunto subscribed our names this 19th day of December, 1950.

Joseph A. Yager  
Joseph D. Stecher  
Helen Corkins

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

ARTICLES OF INCORPORATION - CONTINUED

\*\*\*\*\*

STATE OF OHIO,  
                    SS  
COUNTY OF LUCAS,

Personally appeared before me, the undersigned, a notary public in and for said county, this 19th day of December, 1950, the above named, Joseph A. Yager, Joseph D. Stecher and Helen Corkins, who each severally acknowledged the signing of the foregoing Articles of Incorporation to be his free act and deed, for the uses and purposes herein mentioned.

WITNESS my hand and official seal on the day and year last aforesaid.

(SEAL)

Signed M. Arnold Wager  
Notary Public, Lucas  
County, Ohio.

My commission expires  
May 16, 1952.



\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

ARTICLES OF INCORPORATION - CONCLUDED.

\*\*\*\*\*

UNITED STATES OF AMERICA  
STATE OF OHIO  
OFFICE OF THE SECRETARY OF STATE.

I, CHARLES F. SWEENEY, Secretary of State of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original record now in my official custody as Secretary of State, and found to be true and correct, of the ARTICLES OF INCORPORATION of VALLET PAINT SERVICE CO., filed in this office on the 21st day of December, A. D. 1950, and recorded in Volume 605 Page 25 of the Records of Incorporation.

WITNESS my hand and official seal at Columbus, Ohio, this 21st day of December, A.D. 1950.

SEAL

CHARLES F. SWEENEY  
Secretary of State

FURTHER be it known that the persons hereinafter named as incorporators, on the aforesaid 19th day of December, 1950, executed an appointment of J. F. Vallet, 424 Front Street, Toledo, Ohio, as statutory agent for the corporation, which appointment was thereupon accepted in writing by him, and said incorporators also approved and executed an application for exempting the issuance of the capital stock of the corporation under the Securities Act of the State of Ohio.

FRANK J. LAUSCHE  
Governor.



ROBERT L. MOULTON  
Director of Commerce.

STATE OF OHIO  
DEPARTMENT OF COMMERCE  
DIVISION OF SECURITIES  
COLUMBUS 15

ERNEST CORNELL, Chief of Division

## CERTIFICATE

Acknowledging Registration of Securities Transactions Pursuant to O. G. C. 8624-6

Issuer: VALLET PAINT SERVICE CO. File No.: 6 0 4 2 2

The Division of Securities has received for filing a description pursuant to the provisions of Sub-section 1 of O. G. C. 8624-6 relating to proposed sales by Issuer of the following securities:

250 shares of No Par Common Stock, to be sold  
at \$100.00 per share.

The Division acknowledges receipt of the statutory \$10.00 fee applicable to the filing of said description and advises that the registration is effective as of December 30, 1950.  
An offering and sale of the securities registered may be made pursuant to the terms of the description. A sale on any other terms will require a new registration.

The Division has also recorded Issuer's claim of an exempt initial sale, pursuant to O. G. C. 8624-4(13) of certain of Issuer's voting shares described as follows:

NONE.

The acknowledgment does not constitute an approval of the securities above described nor of the terms of their sale. Responsibility for the truthfulness of the information given in said filing and for adherence to the plan of sale therein set forth rests with the Issuer, subject to the continuing jurisdiction of the Division of Securities as provided in the Ohio Securities Act, including the disciplinary powers set forth in O. G. C. 8624-16.

Yager & Stecher,  
Attorneys at Law,  
603 Toledo Trust Bldg.,  
Toledo 4, Ohio.

WBW/DF

*Ernest Cornell*  
CHIEF OF DIVISION.

January 2, 1951.

DATE

*W. B. Wilson, Jr.*  
W. B. WILSON, JR. EXAMINER

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

MEETING OF INCORPORATORS

\*\*\*\*\*

Toledo, Ohio,  
January 2, 1951.

Minutes of meeting of incorporators of VALLET PAINT SERVICE CO., held at 603 Toledo Trust Building, Toledo, Ohio, on the 2nd day of January, 1951 at 10 o'clock A. M.

The meeting was called to order by Joseph A. Yager who, upon motion duly made, seconded and carried, was chosen Chairman of the meeting. Upon motion duly made, seconded and carried, Joseph D. Stecher was chosen Secretary of the meeting. All of the incorporators were present throughout the meeting.

The Chairman reported that the Articles of Incorporation and the Appointment of Agent, executed by the incorporators, had been duly filed with the Secretary of State of Ohio, and that acknowledgment had been received from the Division of Securities, Department of Commerce of the State of Ohio, of the registration of the capital stock to be issued by the corporation. It was ordered that the original Articles of Incorporation, received from the Secretary of State, and the Certificate of Acknowledgment from the Division of Securities, be attached to the record of the proceedings.

The Chairman then stated that the first business was to order

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

MEETING OF INCORPORATORS - CONTINUED.

\*\*\*\*\*

the opening of books of subscription to the shares of the corporation. Upon motion duly made, seconded and carried, the following resolution was adopted:

RESOLVED, that books be opened for subscription to the shares of the corporation, at 603 Toledo Trust Building, Toledo, Ohio, at the price of \$100.00 per share.

Books of subscription to purchase the shares of the corporation were then opened, and the following subscriptions for said shares were received to-wit:

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

MEETING OF INCORPORATORS-CONTINUED.

\*\*\*\*\*

We hereby subscribe for the number of common shares without par value of VALLET PAINT SERVICE CO., set opposite our respective names, and agree to pay therefor the sum of one hundred dollars (\$100.00) per share, in cash, as follows:

<u>Subscriber</u>	<u>No. of Shares</u>
<u>J. F. Vallet</u>	148
<u>Marion U. Vallet</u>	1
<u>Raul Vallet</u>	1

The Chairman stated that no other subscriptions appear to be obtainable at this time. Whereupon, Joseph D. Stecher moved that the books of subscription for shares of the corporation be closed. The motion was seconded by Helen Corkins, and upon being put to vote, was unanimously carried. Thereupon, the Chairman

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

MEETING OF INCORPORATORS - CONCLUDED.

\*\*\*\*\*

announced that the books of subscription for shares of the corporation had been closed.

It was thereupon ordered, upon motion duly made, seconded and carried, that the first meeting of shareholders be held at 603 Toledo Trust Building, Toledo, Ohio, on the 2nd day of January, 1951, at 10:30 A. M., provided notice of such meeting be waived in writing by all the shareholders of the corporation.

The undersigned, being all of the incorporators of VALLET PAINT SERVICE CO., hereby certify that the foregoing is a true and correct record of the acts and proceedings of the incorporators of said corporation.

Joseph A. Yager  
Joseph A. Yager  
Joseph D. Stecher  
Joseph D. Stecher  
Helen Corkins  
Helen Corkins

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

FIRST MEETING OF SHAREHOLDERS

\*\*\*\*\*

Toledo, O. January 2, 1951.

The meeting was called to order by J. F. Vallet, who was chosen chairman upon motion duly made, seconded and carried. Joseph A. Yager was chosen secretary of the meeting upon motion duly made, seconded and carried.

All shareholders being present in person, the following waiver of notice of the meeting, signed by all the shareholders, was ordered incorporated in the minutes of the meeting:

WAIVER OF NOTICE.

The undersigned, being all of the shareholders of VALLET PAINT SERVICE CO., hereby waive notice of the time, place and purposes of the first meeting of shareholders of said corporation, and consent that such meeting be held at 603 Toledo Trust Building, Toledo, Ohio, on January 2, 1951 at 10:30 o'clock A.M., for the transaction of any business that may come before the meeting.

Dated at Toledo, Ohio, this 2nd day of January, 1951.

<u>Name</u>	<u>No. of Shares</u>
<u>J. F. Vallet</u> J. F. Vallet	148
<u>Marion O. Vallet</u> Marion O. Vallet	1
<u>Raul Vallet</u> Raul Vallet	1

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

FIRST MEETING OF SHAREHOLDERS - CONTINUED.

\*\*\*\*\*

The Chairman stated that the purpose of the meeting was to adopt a Code of Regulations, the election of a Board of Directors, and the transaction of such other business as may come before the meeting.

The Chairman then presented to the meeting a proposed form of Code of Regulations for the government of the corporation, and after the various sections had been read and discussed, it was moved by Raul Vallet and duly seconded and unanimously carried, that the Code of Regulations be approved and adopted, and that a copy thereof be incorporated in the minutes of the meeting.

Said Code of Regulations is as follows:-



\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

FIRST MEETING OF SHAREHOLDERS - CONTINUED.

\*\*\*\*\*

CODE OF REGULATIONS

\*\*\*\*\*

ARTICLE I.

MEETINGS OF SHAREHOLDERS

Section 1. Annual Meeting. The annual meeting of the shareholders shall be held on the fourth Thursday in January of each year, or on the succeeding business day if that day should be a legal holiday.

Section 2. Place of Meetings. Meetings of shareholders shall be held at the principal office of the corporation, unless the Board of Directors decides that the meeting shall be held at some other place within or without the State of Ohio, which place shall be designated in the notice thereof.

Section 3. Special Meetings. Special meetings for a stated purpose or purposes may be called by the President or Vice-President, or by a majority of the Board of Directors acting with or without a meeting, or by the holders of one-half of all of the shares outstanding and entitled to vote thereat. Such special meetings shall be held at the principal office of the corporation, or at such other place within or without the State of Ohio, as may be designated in the call therefor.

Section 4. Notice of Meetings. A written notice of each regular and special meeting of shareholders, stating the time and place, and, in case of special meetings, the objects thereof, shall be given to each shareholder appearing on the books of the corporation, by mailing the same to his last known address at least five days before any such meeting.

Section 5. Waiver of Notice. Any shareholder, either before or after any meeting, may waive any notice required to be given by law or under these regulations, and whenever all of the shareholders entitled to vote shall meet, in person or by proxy, and consent to holding a meeting, it shall be valid for all purposes without call or notice, and at such meeting any action may be taken.

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

FIRST MEETING OF SHAREHOLDERS - CONTINUED.

CODE OF REGULATIONS-CONTINUED

\*\*\*\*\*

Section 6. Quorum. At any meeting called for any purpose, the holders of shares entitling them to exercise a majority of the voting power of the corporation, present in person or represented by proxy, shall constitute a quorum. At any meeting at which a quorum is present, all questions and business which shall come before the meeting, shall be determined by the vote of the holders of a majority of such voting shares as are represented in person or by proxy. At any meeting, whether a quorum is present or not, the holders of a majority of the voting shares represented by shareholders present in person or by proxy, may adjourn, from time to time and from place to place, without notice other than by announcement at the meeting. At any such adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the meeting as originally notified or held.

Section 7. Proxies. Any shareholder of record, who is entitled to attend a shareholders' meeting or to vote thereat, or to assent or give consents in writing, shall be entitled to be present at such meeting or to vote thereat, or to assent or give consents in writing, as the case may be, or to exercise any other of his rights, by proxy or proxies appointed by a writing signed by such shareholder, which need not be sealed, witnessed or acknowledged.

Section 8. Voting. At any meeting of shareholders, each shareholder of the corporation shall, except as otherwise provided by law or by the Articles of Incorporation or by these Regulations, be entitled to one vote in person or by proxy, for each share of the corporation registered in his name on the books of the corporation.

Section 9. Action without Meeting. Any action which may be taken at any meeting of shareholders may be taken without a meeting if authorized by a writing signed by all of the holders of shares who would be entitled to notice of the meeting for such purpose.

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

FIRST MEETING OF SHAREHOLDERS-CONTINUED

CODE OF REGULATIONS-CONTINUED

\*\*\*\*\*

ARTICLE II.

DIRECTORS.

Section 1. Number of Directors. Until changed in accordance with the provisions of this section, the number of directors, none of whom need be shareholders, shall be three. The number of directors may be fixed or changed by resolution at any annual meeting, or at any special meeting called for that purpose, adopted by the vote of the holders of shares present in person or by proxy entitling them to exercise a majority of the voting power on such proposal, but no reduction shall have the effect of removing any director prior to the expiration of his term of office.

Section 2. Election of Directors. Directors shall be elected at the annual meeting of shareholders, but when the annual meeting is not held or directors are not elected thereat, they may be elected at a special meeting called and held for that purpose.

Section 3. Term of Office. Directors shall hold office until the annual meeting next succeeding their election and until their successors are elected and qualified.

Section 4. Vacancies. In case of any vacancy in the Board of Directors through death, resignation, disqualification or other cause, the remaining directors, by an affirmative vote of a majority thereof, may elect a successor to hold office for the unexpired term and until the election of his successor. Shareholders entitled to elect directors shall have the right to fill any vacancy in the Board of Directors (whether the same has been temporarily filled by the remaining director or not), at any meeting of shareholders called for that purpose, and any directors elected at such meeting of shareholders shall serve until the next annual election of directors and until their successors are elected and qualified.

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

FIRST MEETING OF SHAREHOLDERS - CONTINUED

CODE OF REGULATIONS-CONTINUED

\*\*\*\*\*

ARTICLE III.

POWERS OF DIRECTORS.

Section 1. General Powers of Board. The powers of the corporation shall be exercised, its business and affairs conducted, and its property controlled by the Board of Directors.

Section 2. Other Powers. Without prejudice to the general powers conferred by or implied in the preceding section, the directors, acting as a Board, shall have power:

- (a) To fix, define and limit the powers and duties of all officers and to fix the salaries of all officers.
- (b) To appoint, and at their discretion, with or without cause, to remove or suspend, such subordinate officers, assistants, managers, agents and employees as the directors may, from time to time, deem advisable and to determine their duties and fix their compensation.
- (c) To require any officer, agent or employee of the corporation to furnish a bond for faithful performance, in such amount and with such sureties as the Board may approve.
- (d) To designate a depository or depositories of the funds of the corporation and the officer or officers or other persons who shall be authorized to sign checks, notes, drafts, contracts, deeds, mortgages and other instruments on behalf of the corporation; and
- (e) To establish such rules and regulations respecting the issuance and transfer of shares

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

FIRST MEETING OF SHAREHOLDERS - CONTINUED.

CODE OF REGULATIONS-CONTINUED

\*\*\*\*\*

and certificates for shares as the Board of Directors may consider reasonable, which are not inconsistent with the provisions of this Code of Regulations.

Section 3. Meetings. A meeting of the Board of Directors shall be held immediately following the adjournment of each shareholders' meeting, at which directors are elected, and notice of such meeting need not be given. The Board of Directors may, by resolution, provide for other meetings of the Board. Special meetings of the Board may be held at any time upon call of the President or of the Vice-President or any two members of the Board.

Notice of any special meeting of the Board of Directors shall be mailed to each director, addressed to him at his residence or usual place of business, at least three days before the day on which the meeting is to be held, or shall be sent to him at such place by telegraph or given personally or by telephone not later than the day before the day on which the meeting is to be held. Every such notice shall state the time and place of the meeting, but need not state the purposes thereof. Notice of any meeting of the Board need not be given to any director, however, if waived by him in writing, whether before or after such meeting be held, or if he is present at such meeting, and any meeting of the Board shall be a legal meeting without any notice thereof having been given, if all the directors shall be present thereat.

All meetings of the Board shall be held at the principal office of the corporation, or at such other place, within or without the State of Ohio, as the Board may determine from time to time, and as may be specified in the notice of the meeting.

Section 4. Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of business; provided that whenever less than a quorum is present at the time and place appointed for any meeting of the Board, a majority of those present may adjourn from time to time without notice other than by announcement at the meeting, until a quorum shall be present.

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

FIRST MEETING OF SHAREHOLDERS - CONTINUED.

CODE OF REGULATIONS-CONTINUED

\*\*\*\*\*

Section 5. Compensation. The directors, as such, shall not receive any salary for their services, but by resolution of the Board, a fixed sum and expense of attendance, if any, may be allowed for attending each regular or special meeting of the Board; provided that nothing herein contained shall be construed to preclude any director from serving the corporation in any other capacity and receiving compensation therefor.

Section 6. By-Laws. For the government of its actions the Board of Directors may adopt by-laws consistent with the Articles of Incorporation and this Code of Regulations.

ARTICLE IV.

OFFICERS.

Section 1. General Provisions. The officers of the corporation shall be a PRESIDENT, VICE-PRESIDENT, SECRETARY and TREASURER, and such other officers as the Board may from time to time select. Such officers shall be elected by a majority vote of the Board of Directors. The President and Treasurer shall be, but other officers need not be, chosen from among the members of the Board of Directors. Any two or more of such offices, other than that of President and Vice-President, may be held by the same person.

Section 2. Term of Office. The officers of the corporation shall hold office during the pleasure of the Board of Directors and unless sooner removed by the Board of Directors until the organization meeting of the Board of Directors following the date of their election and until their successors are chosen and qualified. The Board of Directors may remove any officer at any time, with or without cause, by a majority vote. A vacancy in any office, however created, shall be filled by the Board of Directors.

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

FIRST MEETING OF SHAREHOLDERS - CONTINUED.

CODE OF REGULATIONS - CONTINUED

\*\*\*\*\*

ARTICLE V.

DUTIES OF OFFICERS.

Section 1. The PRESIDENT shall be the chief executive officer of the corporation, preside at all meetings of the shareholders and directors, sign the records thereof, and all certificates of stock, perform the general duties devolving upon presidents of like corporations, and such other duties as shall, from time to time, be required of him by the shareholders or directors.

Section 2. The VICE-PRESIDENT shall be vested with all the powers and duties of the President, in the President's absence, unless, however, such powers and duties are imposed upon some other officer of the company by the Board of Directors, and the Directors may, from time to time, impose and confer such powers upon the Vice-President as they shall deem proper.

Section 3. The SECRETARY shall keep the minutes of all proceedings of the shareholders and directors of this corporation and make proper record of same, which shall be attested by him. He shall keep such books as may be required by the Board of Directors, shall act as Secretary at all shareholders' meetings, shall have charge of the stock books of the corporation, shall issue and sign all certificates of stock, and shall perform such other duties as may be required of him by the shareholders or directors.

Section 4. The TREASURER shall have custody of all money and securities of the corporation and shall give bond, in such sum and with such sureties as the directors may require, conditioned upon the faithful performance of the duties of his office. He shall keep regular books of account and shall submit them, together with his vouchers, receipts, records and other papers, to the directors for their examination and approval as often as they may require, and shall perform all such other duties as are incident to his office.

\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

FIRST MEETING OF SHAREHOLDERS - CONTINUED.

CODE OF REGULATIONS -CONTINUED.

\*\*\*\*\*

ARTICLE VI.

CERTIFICATES FOR SHARES.

Section 1. Form and Execution. Certificates for shares of stock in this corporation shall be numbered, entered on the corporation's books as issued, signed by the PRESIDENT and SECRETARY, and sealed with the corporate seal. Such certificates shall certify the number of fully-paid shares and shall be issued to each shareholder in such form as shall be approved by the Board of Directors.

Section 2. Transfer. Such certificates for shares shall be transferrable in person or by attorney, but, except as hereinafter provided in the case of lost, mutilated or destroyed certificates, no transfer of shares shall be entered upon the records of the corporation until the previous certificates, if any, given for the same, shall have been surrendered and cancelled.

Section 3. Lost, Mutilated or Destroyed Certificates. If any certificate for shares is lost, mutilated or destroyed, the Board of Directors may authorize the issue of a new certificate in place thereof, upon such terms and conditions as it deems advisable. The Board of Directors, in its discretion, may refuse to issue such new certificate until the corporation has been indemnified to its satisfaction.

ARTICLE VII.

SEAL.

The Board of Directors shall provide a suitable seal, containing the name of the corporation, of which seal an imprint is affixed on the margin hereof.



\*\*\*\*\*

VALLET PAINT SERVICE CO.

\*\*\*\*\*

FIRST MEETING OF SHAREHOLDERS - CONTINUED.

CODE OF REGULATIONS-CONTINUED.

\*\*\*\*\*

ARTICLE VIII.

PROXIES.

Section 1. Any shareholder owning or holding votable stock of the corporation may, through a written proxy, authorize another to vote for him at any shareholders' meeting, but said proxy must be filed with the Secretary before the person authorized thereby can vote thereunder.

ARTICLE IX.

RECORDS.

Section 1. Accurate records of the organization of the corporation, of the meetings of shareholders and directors, and of all proceedings of the corporation, shall be kept in books provided for that purpose. The record of proceedings of shareholders and directors shall be signed by the presiding officer and attested by the secretary. Shareholders and directors may also validate the proceedings of meetings of shareholders and directors respectively by signing the records of such meetings.

ARTICLE X.

AMENDMENTS.

Section 1. This Code of Regulations may be altered, amended or repealed and new regulations may be adopted at any meeting of shareholders called for that purpose, by the affirmative vote of the holders of record of shares entitling them to exercise a majority of the voting power on such proposal, or, without a meeting, by the written consent of the holders of record of shares entitling them to exercise two-thirds of the voting power on such proposal.

Dura Ldfl.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CITY OF TOLEDO,	)	CASE NO. 3:90CV-7140
	)	
Plaintiff,	)	THE HONORABLE NICHOLAS J. WALINSKI
	)	
vs.	)	<u>ANSWERS AND OBJECTIONS OF</u>
	)	<u>DEFENDANT, VALLET PAINT SERVICE</u>
ALLIED-SIGNAL, INC., et al.,	)	<u>CO. TO PLAINTIFF'S FIRST SET</u>
	)	<u>OF INTERROGATORIES</u>
Defendants.	)	

\* \* \*

Defendant, Vallet Paint Service Co. ("Vallet"), hereby Answers Plaintiff's First Set of Interrogatories, pursuant to the Federal Rules of Civil Procedure. Vallet's Answers are subject to the following limitations:

(a) The information supplied in these Answers and Objections is not necessarily based on the personal knowledge of the executing party, but includes the knowledge of agents, representatives and attorneys, unless privileged, of Vallet;

(b) The word usage and sentence structure may be that of the attorneys assisting in the preparation of these Answers and Objections and thus do not necessarily purport to be the precise language of the executing party.

I. GENERAL OBJECTIONS

1. Vallet objects to these Interrogatories to the extent that they seek information which is protected by the attorney/client privilege.

to the Interrogatories. Whenever an Interrogatory seeks to impose on Vallet greater or broader obligations than those imposed by the Federal Rules of Civil Procedure, Vallet shall respond by conforming to those Rules.

#### INTERROGATORIES

1. State all facts and dates relating to the corporate history of the Defendant including details of its initial incorporation, and all facts and dates relating to predecessor and successor entities and corporations, mergers, liquidations, sales and purchases of assets, acquisitions, ownership changes, or similar corporate transactions, and identify each predecessor entity or subsidiary for which Defendant has assumed some or all of its liabilities or obligations.

ANSWER: Vallet incorporates by reference its General Objections, including, but not limited to, numbers 1, 4, 5, 7 and 8. Without waiving the foregoing Objections and by way of further answer, Vallet states that it was incorporated in the State of Ohio on December 30, 1950 and that on or about August 1, 1962, Vallet bought all of the assets of Bryan's, Inc., an Ohio corporation, incorporated March 27, 1962 and assumed all of Bryan's, Inc.'s liabilities as of July 31, 1962.

2. Identify each location within fifty miles of Toledo, Ohio, at which the Defendant conducted business at which hazardous substances were handled, used, stored or generated, or from which Defendant was involved in the transportation of hazardous substances for disposal.

ANSWER: Vallet incorporates by reference its General Objections, including, but not limited to, numbers 7 and 8. Vallet also objects to the implication in this Interrogatory that Vallet's operations generated or involved hazardous substances. During the relevant time period, 42 U.S.C. § 9601(14) did not define "hazardous substances" as set out in Plaintiff's Definitions.

Without waiving its Objections, Vallet states that its only locations within fifty (50) miles of Toledo were located at 1808 Adams Street, Toledo, Ohio (1962 - Present); 341 Dorr Street, Toledo, Ohio (1953 - 1962); and 424 Front Street, Toledo, Ohio (1951 - 1954).

3. For each business location identified in response to Interrogatory No. 2, identify each hazardous substance which was handled, used, stored or generated at that location.

ANSWER: Vallet incorporates by reference its General Objections, including, but not limited to, numbers 1, 2, 4, 7, 8 and 9. Vallet also incorporates by reference the Objections stated in its Answer to Interrogatory No. 2. Without waiving its Objections, Vallet states that it operated a shop for the sale of paint and associated products, all in connection with automobile repairs, from its Adams Street, Dorr Street and Front Street locations. Vallet has not located any records as to the exact identity of any substances handled, used, stored or transported for disposal by it. Answering further, Vallet states that it did not generate any type of hazardous substance from its operation.

4. For each business location identified in response to Interrogatory Nos. 2 and 3, identify each disposal facility, or other location, where hazardous substances owned or possessed by Defendant were disposed of.

ANSWER: Vallet incorporates by reference its General and Specific Objections set forth in its Answers to Interrogatories Nos. 2 and 3 above and also objects to the identification of any disposal facilities other than Dura. Without waiving these Objections, Vallet states that it used the Dura Site for disposal of wastes at various times between 1950 and 1962. After 1962, Vallet had its wastes hauled by an independent contractor, Oscar Bell, deceased.

5. Identify each hazardous substance owned or possessed by Defendant which was disposed of at each facility identified in response to Interrogatory No. 4.

ANSWER: Vallet incorporates by reference the General and Specific Objections set forth in its Answers to Interrogatories Nos. 2, 3 and 4 above. Without waiving those Objections, Vallet states that it has no knowledge of the disposal of any hazardous materials or substances by it at Dura. Vallet further states that it has disposed of empty paint cans and general paper office trash at Dura between 1950 and 1962.

6. State all facts relating to the disposal of hazardous substances owned or possessed by Defendant at the Dura Avenue Site or the Defendant's transportation of hazardous substances for disposal at the Dura Avenue Site, including, but not limited to the specific hazardous substances disposed of, the method of disposal, the specific place of disposal, the frequency of disposal and the amounts or volumes of hazardous substances disposed of.

ANSWER: Vallet incorporates by reference the General and Specific Objections set forth in its Answer to Interrogatory No. 2. Vallet further Objects to the implication in this Interrogatory that it placed hazardous substances at Dura. Without waiving those Objections, Vallet states that its employees disposed of empty paint cans and general paper and office trash at Dura once or twice a week using a pick up or delivery truck between 1950 and 1962.

7. Identify and explain the type of business operations conducted and/or the manufacturing processes and types of products manufactured at each business location identified in response to Interrogatory No. 2, paying particular attention to each business operation or manufacturing process which involved the use, handling, generation, storage, transportation or disposal of hazardous substances.

ANSWER: Vallet incorporates by reference the General Objections set forth in its Answer to Interrogatory No. 2. Without waiving those Objections,

Vallet states that its business is the sale of paint and associated products for automobile repairs. Its business locations on Adams Street, Dorr Street and Front Street were generally divided into four (4) areas, with each having a specific type of waste product. The office generated paper wastes, coffee grounds and similar materials. The front part of the business was merely a storeroom and only generated paper trash. The warehouse portion of the business contained shelving units and racks. The products held in the warehouse were in pre-packaged form. The last area of the operation was the mixing or shading room. In this room, paint cans were opened and specifically mixed pursuant to a customer's need. Paint was mixed in pint, quart or gallon sizes. The shelves in this room were lined with paint cans with pour-spout tops on them and the mixer followed formulas to achieve the desired colors. All ingredients were used to make different colors of paint and the only waste product was empty paint cans. If a mixer made a mistake in following a formula, an employee whose job title was "shader" was to make the bad mix good. The shader was also responsible for creating colors for which there was no formulas. Products which customers rejected, notwithstanding the shader's efforts to meet their needs, would be offered for sale at a discount price and if not sold, were given to local vocational schools to be used in their autobody shop programs.

8. Identify each entity and/or person who transported hazardous substances from or for each business location identified in response to Interrogatory No. 2, and the dates during which such transportation occurred.

ANSWER: Vallet incorporates by reference the General Objections set forth in its Answer to Interrogatory No. 2 above. Further, Vallet objects to this Interrogatory to the extent that it assumes that Vallet transported hazardous substances from its business location. Without waiving its Objections

and without admitting that it transported hazardous substances from its location, Vallet responds as follows:

<u>Employment Date</u>	<u>Name</u>	<u>Address</u>	<u>Position</u>
1954-1956	Robert Cairns	357 Alva Toledo, Ohio	Driver
1954-1958	John King	3649 W. Lincolnshire Toledo, Ohio	Driver
1956-1958	Jim Routson	124 N. Goodyear Street Maumee, Ohio	Drive
1957-1963	Jim Walvoldt	8545 Salisbury Road Toledo, Ohio	Drive
1962-1968	Oscar Bell	Deceased	Not an employee of Vallet - an independent contractor
	Don Poppe	509 Jackson Street Port Clinton, Ohio	Driver
	Ernie Hart	28161 White Road Perrysburg, Ohio	

9. For each person or entity identified in response to Interrogatory No. 8, state all facts relating to each person's employment or business relationship with Defendant, or the business relationship of the entity to the Defendant.

ANSWER: Vallet adopts by reference its Objections and Responses stated in its Answer to Interrogatory No. 8 above.

10. State all facts relating to the transportation for disposal of hazardous substances by or from Defendant's business operations to the Dura Avenue Site, including, but not limited to the type of vehicles used, who owned the vehicles, the identity and location of the business entity from which the hazardous substances were picked up for disposal and the means by which each hazardous substance was containerized and disposed of.

ANSWER: Vallet adopts its Objections and Responses stated in its Answers to Interrogatories Nos. 2, 6 and 8 above. Without waiving its

Objections and without admitting that it transported for disposal hazardous substances to Dura Landfill, Vallet states that it may have used a pick-up truck and delivery trucks for disposing of trash at Dura.

11. Identify and state all facts relating to the transportation and disposal of each type of pollutant or contaminant, not previously identified, which Defendant generated and was disposed of at the Dura Avenue Site, or was transported to the Dura Avenue Site by the Defendant.

ANSWER: Vallet incorporates its General Objections and adopts its Objections and Responses stated in its Answers to Interrogatory Nos. 6, 8, 9 and 10 above. Answering further, Vallet states that the terms "pollutant or contaminant" seek legal conclusions concerning the classification of materials, as well as assumes that Vallet transported and disposed of pollutants or contaminants at Dura. Without waiving its Objections, and without admitting to the classifications of materials, Vallet states that it has provided all available information regarding the disposal of materials at Dura in the preceding Interrogatories.

12. Identify and state all facts relating to the transportation and disposal of each type of petroleum product, not previously identified, which Defendant generated and was disposed of at the Dura Avenue Site, or was transported to the Dura Avenue Site by the Defendant.

ANSWER: Vallet incorporates by reference its General Objections and its Objections and Responses stated in its Answers to Interrogatory Nos. 6, 8, 9 and 10 above. Without waiving its Objections, Vallet states that it has no knowledge of the transportation or disposal of any petroleum product from its business locations and denies that any such products were generated by it.

13. Identify and state all facts relating to the transportation and disposal of each type of solid waste, not previously identified, which Defendant generated and was disposed of at the Dura Avenue Site, or was transported to the Dura Avenue Site by the Defendant.



ANSWER: Vallet incorporates by reference its General Objections and its Objections and Responses stated in its Answers to Interrogatory Nos. 2, 6, 8, 9 and 10 above.

14. Identify and state all facts relating to the use, handling, generation, storage, transportation, disposal and disposal site(s), if known, of each type of pollutant or contaminant, petroleum product, and solid waste owned or possessed by Defendant's Toledo area business location(s) identified in response to Interrogatory No. 2.

ANSWER: Vallet incorporates by reference its General and Specific Objections to its Answers to Interrogatories Nos. 2, 3, 4, 5, 6, 8, 9, 12 and 13 above.

15. Identify each person with information that may lead to the discovery of admissible evidence relating to the handling, use, generation, transportation or disposal of hazardous substances, petroleum products, solid wastes or pollutants and contaminants at or from each of Defendant's business operations identified in response to Interrogatory No. 2, and describe the information known to each person.

ANSWER: Vallet adopts by reference its Objections and Answers to Interrogatory No. 2 above. Answering further, Vallet Objects to this Interrogatory to the extent that it assumes that Vallet handled, used, generated, transported or disposed of hazardous substances, petroleum products, solid wastes or pollutants and contaminants at or from its operations. Vallet further Objects on the grounds that the Interrogatory is overly broad and unduly burdensome and is not reasonably calculated to lead to discovery of admissible evidence. Vallet further Objects on the grounds that the Interrogatory would require speculation on the part of this Defendant. Without waiving its Objections, Vallet adopts its Objections and Responses stated in its Answers to Interrogatory No. 8 and additionally states that the following persons may have information:

Raymond Clegg, 1436 Eleanor, Toledo, Ohio;  
Eugene Bogucki, 4833 Walker, Toledo, Ohio;  
Philip Plenzler, 6222 Beahmair, Toledo, Ohio;  
Larry Sherwin, 3260 Schneider Road, Apt. 118, Toledo, Ohio;  
Rick Hartley, 1808 Adams Street, Toledo, Ohio;  
Bryan Hartley, 1808 Adams Street, Toledo, Ohio;  
Charley Gillett, 2423 Portsmouth, Toledo, Ohio;  
Eddie Sommers, 6015 Livingston, Toledo, Ohio;  
John Sheets, 1717 Eaton, Toledo, Ohio;  
Steve Skeels, 2301 Nebraska, Toledo, Ohio.

16. Identify each person with information that may lead to the discovery of admissible evidence relating to the transportation or disposal at the Dura Avenue Site of hazardous substances, petroleum products, solid wastes or pollutants and contaminants and describe the information known to each person.

ANSWER: Vallet incorporates by reference its Objections and Answer to Interrogatory No. 15.

17. State all facts relating to each communication, written or verbal, relating to information and/or warnings provided by Defendant to the City of Toledo regarding the Defendant's hazardous substances, pollutants or contaminants, solid wastes or petroleum products disposed of at the Dura Avenue Site or at any other location.

ANSWER: Vallet Objects to this Interrogatory to the extent that it assumes that hazardous substances, pollutants, contaminants, solid waste or petroleum products were generated by Vallet and disposed of at the Dura Site or any other location. Answering further, Vallet Objects to the extent that the Interrogatory implies that communications and warnings were and should have been provided by Vallet to the City of Toledo. Without waiving its Objections,